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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			MARTINEZ, CARLOS A	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,226	SILVERBROOK ET AL.	
	Examiner	Art Unit	
	Carlos A. Martinez	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1617 (pg. 41, line 29), 33C (pg. 60, line 7), 3843 (pg. 73, line 6), and 3834 (pg. 71, line 24). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 810 (Fig. 8C and Fig. 9), 1012 (Fig. 10 and Fig. 11), 1612 (Fig. 16), Fig.17B (sheet 17/80 of drawings), Fig. 17C (sheet 17/80 of drawings), 1904 (Fig. 19), 3026a (Fig. 23), 3096b (Fig. 36, Fig. 37A, and Fig. 42D), 3093c (Fig. 37A), 3110a (Fig. 55A, Fig. 55B, and Fig. 57), 3140 (Fig. 60), and 3141 (Fig. 60), 3805 (Fig. 65, Fig. 66, Fig. 67, Fig. 68, Fig. 69, Fig. 71, and Fig. 72), 3803 (Fig. 65, Fig. 66, Fig. 67, Fig. 68, and Fig. 71), 3816 (Fig. 65, Fig. 66, and Fig. 67), 3880 (Fig. 68 and Fig. 71), 3812 (Fig. 69), 3823 (Fig. 72).

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Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "808" and "520" have both been used to designate the drying compartment (refer to Fig. 5 and Fig. 9). Also, the drawings are objected to because reference characters "320" and "500" have both been used to designate a printhead (refer to Fig. 3 and Fig. 5). Also, the drawings are objected to because reference characters "1200" and "316" have both been used to designate a slitter/cutter module (refer to Fig. 5 and Fig. 12). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

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required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because one line of element 324 of Fig. 3 is not pointing properly to the ink reservoirs, but one line is instead pointing to a module or enclosure (refer to pg. 39, line 3 and 4). Also, the drawings are objected to because “3091B” in Fig. 53C should be written as referred to in specifications, as “3019b”, to avoid possible confusion. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy

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must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

6. The disclosure is objected to because of the following informalities: “14Bare” (pg. 34, line 43), “308 310 and a top panel 312” (pg. 38, line 37) [note: commas are missing], “The two halves, 1402, 1404, may be” (pg. 41, line 20 and 21) [suggestion: change be made to “The two halves, 1402 and 1404, may be”], “The may be” (pg. 41, line 25) [suggestion: change be made to “They may be”], “2000-2004” (pg. 42, line 7) [suggestion: change be made to “ 2000 and 2004”], “2002, 2004” (pg. 42, line 11) [suggestion: change be made to “ 2000 and 2004”], “1910, 1912” (pg. 42, line 21) [suggestion: change be made to “ 1910 and 1912”], “Figure 24” (pg. 45, line 5) [suggestion: change be made to “Figure 24B”], “24b” (pg. 50, line 6) [suggestion: change be made to “ 3024b”], “in Figure 36, a pair of extending arm portions 3094” (pg. 52, line 12) [note: element 3094 is not labeled in Figure 36], “37C” (pg. 52, line 14; pg. 55, line 5 and 35; and pg. 59, line 39) [note: should not be in specification], “(see Figure 22)” (pg. 52, line 18) [note: no reference is made, in Figure 22, to elements 3071, 3072, and 3073], “(see Figure 35A)” (pg. 54, line 7) [note: no reference is made, in Figure 35A, to element 3094], “49 and 59” (pg. 56, line 17 and 19) [note: no reference number is found of 3023b or 3026 in Figure 49 or Figure 59], “111” (pg. 56, line 17; and pg. 58, line 23) [suggestion: change be made to “3111”], “91” (pg. 56, line 22) [suggestion:

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change be made to “3091”], “3046” (pg. 57, line 26) [note: 3102 is not depicted in 3046; suggestion: change be made to “Figure 46”], “118c” (pg. 59, line 18) [suggestion: change be made to “3118c”], “22b” and “23b” (pg. 62, line 32) [suggestion: change be made to “3022b” and “3023b”], “140” and “141” (pg. 65, line 32) [suggestion: change be made to “3140” and “3141”], “154” (pg. 67, line 8) [suggestion: change be made to “3154”], “146” (pg. 67, line 37) [suggestion: change be made to “3146”], “30543” (pg. 69, line 25) [note: typographical error, change to “3543”], “532” (pg. 69, line 27) [suggestion: change be made to “3532”], “831” (pg. 71, line 20) [suggestion: change be made to “3831”], “803” (pg. 72, line 13) [suggestion: change be made to “3803”], “3029” (pg. 72, line 29) [suggestion: change be made to “3829”], “3011” (pg. 72, line 30) [suggestion: change be made to “3811”], “820” (pg. 73, line 9) [suggestion: change be made to “3820”], and “90b” (pg. 57, line 31; and pg. 59, line 31) [suggestion: change be made to “3090b” because there is no element 90b in drawings; **note:** this, as well as other similar instances throughout application, should be written out to avoid confusion]. Further, the disclosure is objected because reference character “2022” has been used to designate both a circumferential bearing surface (pg. 42, line 10) and a lid (pg. 42, line 17). Also, objection is made because “3150” and “146” have both been used to designate the JPEG decoder (refer to pg. 67, line 7 and 37).

Appropriate correction is required.

7. The abstract of the disclosure is objected to because it includes improper language such as “...is disclosed”. Correction is required. See MPEP § 608.01(b).
8. Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

9. Claim 4 is objected to because of the following informalities: preposition missing in statement of claim [suggestion: "...supported at each end by an inward facing..."].

Appropriate correction is required.

10. Claims 30, 33-48 are objected to because of the following informalities:

"1adapted" [note: spacing needed between "1" and "adapted"]. Appropriate correction is required.

11. Claims 19-36, 40, and 44-47 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims (claims 19-36, 40, and 44-47) make reference to a consumer tote for wallpaper; however, they fail to further limit the structure/elements of the parent claim because they merely relate the structure/elements of the environment that the applicant desires to use the consumer tote in, instead of providing further limitation to the parent claim which is structure/elements of the consumer tote.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 37-39, 41-43, and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 37-39, 41-43, and 48 the statutory category of the invention that is being claimed is indistinct because the preamble of the claims – which states “a consumer tote as claimed in claim 1” – suggest to render the claims as directed towards an apparatus; however, as the claims then further continue, the phraseology utilized such as “adapted for use in a method...the method comprising the steps of:” and the series of method steps recited in the respective body of each claim would suggest that applicant is seeking to render the claims as being directed towards a method claim.

Therefore as the statutory category of the invention being claimed is indistinct, for the purpose of examination, these claims will be interpreted as apparatus claims.

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d

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2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, and 7 of U.S. Patent No. 6991098. Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claims (1, 3, 4, and 7) together includes all the structure found in claim 1 of the present invention.

Claim 1 of U.S. Patent No. 6991098 recites a disposable exterior in which is formed a main access flap and a pair of core access openings and that the tote has an interior in which is located a disposable core which is aligned with the access openings. However, claim 1 of U.S. Patent No. 6991098 fails to recite that the access openings expose a moulded coupling, one coupling attached to each end of the core and at least one of the couplings being a driven coupling and adapted to engage a driving spindle that rotates the core. Though this is the case, claims 3 and 4 of U.S. Patent No. 6991098 recite a core with a moulding at each end, located in a respective access opening. Further, claim 7 of U.S. Patent No. 6991098 recites a coupling – which is connected to the core as noted in claims 3 and 4 – that is engaged to be rotated/driven by a winding/driving spindle.

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Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify the invention of Application No. 10/760226 to include access openings that expose a moulded coupling, one coupling attached to each end of the core and at least one of the couplings being a driven coupling and adapted to engage a driving spindle that rotates the core, as taught by U.S. Patent No. 6991098, for the purpose of providing support for a core with respect to a containers access openings and unwinding or winding capabilities with respect to a sheet material.

16. Claim 10, 11, and 12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6991098.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claim (1) includes all the structure found in claim 1 of the present invention.

Claim 1 of U.S. Patent No. 6991098 recites a handle which folds flat against the exterior as recited in claim 10 of the present application. Claim 1 of U.S. Patent No. 6991098, further, recites a handle that is formed by two similar sub-units which fold from a flat position to a cooperating position in which a handle opening in each sub-unit align to form a grip as recited in claim 11 of the present application. Claim 1 of U.S. Patent No. 6991098, further, recites a gap formed between the access flap and an adjacent edge of the exterior, when the flap is closed; and each sub-unit has an edge which is affixed to the exterior, adjacent to the gap; the sub-units arranged in a mirror image relationship about the gap as recited in claim 12 of the present application.

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Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify the invention of Application No. 10/760226 to include:

- A handle which folds flat against the exterior
- A handle that is formed by two similar sub-units which fold from a flat position to a cooperating position in which a handle opening in each sub-unit align to form a grip
- A gap formed between the access flap and an adjacent edge of the exterior, when the flap is closed; and each sub-unit has an edge which is affixed to the exterior, adjacent to the gap; the sub-units arranged in a mirror image relationship about the gap

as taught by U.S. Patent No. 6991098, for the purpose of providing security against opening/separation of the flaps of the consumer tote.

Claims 3-9 and 13-17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-14 of U.S. Patent No. 6991098. Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claims (2-14) together includes all the structure found in claims 3-9 and 13-17 of the present invention.

Claim 2 of U.S. Patent No. 6991098 recites the limitations of claim 3 of the present invention.

Claim 3 and 14 of U.S. Patent No. 6991098 recites the limitations of claim 4 of the present invention.

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Claim 4 and 15 of U.S. Patent No. 6991098 recites the limitations of claim 5 of the present invention.

Claim 5 of U.S. Patent No. 6991098 recites the limitations of claim 6 of the present invention.

Claim 6 of U.S. Patent No. 6991098 recites the limitations of claim 7 of the present invention.

Claim 7 of U.S. Patent No. 6991098 recites the limitations of claim 8 of the present invention.

Claim 8 of U.S. Patent No. 6991098 recites the limitations of claim 9 of the present invention.

Claim 9 of U.S. Patent No. 6991098 recites the limitations of claim 13 of the present invention.

Claim 10 of U.S. Patent No. 6991098 recites the limitations of claim 14 of the present invention.

Claim 11 of U.S. Patent No. 6991098 recites the limitations of claim 15 of the present invention.

Claim 12 of U.S. Patent No. 6991098 recites the limitations of claim 16 of the present invention.

Claim 13 of U.S. Patent No. 6991098 recites the limitations of claim 17 of the present invention.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1 to 3, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473).

- Taylor discloses a consumer tote/case/housing (refer to Fig.1 and lines 34-39 of column 1), a main access flap (refer to element 74 of Fig.1 and lines 5 & 6 of column 4), a pair of core access openings (refer to element 100 of Fig.1 and lines 66-67 of column 3), and a core located interiorly aligned with the access openings (refer to element 18 of Fig.2).
- Taylor fails to teach a moulded coupling for both openings with at least one of the couplings being a driven coupling and adapted to engage a spindle that rotates the core.
- Newby teaches a tote/carton (refer to lines 36-42 of column 1, lines 63-67 of column 6, and lines 1-25 of column 7) for sheet material (i.e. wall paper) made of disposable material (i.e. plastic and paperboard) that has a moulded coupling for both openings (refer to element 50 of Fig.1, lines 66-67 of column 4, and lines 1-14 of column 5) and external couplings / end caps that could be utilized/adapted for engagement by a driving spindle for rotation of a core (refer to Fig. 10 and lines 15-22 of column 5).

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- Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote, as taught by Taylor, with a moulded couplings that could be adapted for engagement by a driving spindle for rotation of a core as taught by Newby, for the purpose of unwinding or winding sheet material.

With respect to claim 2, as taught by Taylor, a gap (refer to element 106 of Fig. 10 and lines 15-22 of column 5) is formed between the access flap (refer to element 74) and an adjacent edge of the exterior (refer to element 104), when the flap is closed.

With respect to claim 3, Taylor fails to specifically teach an exterior that is formed from a non-metallic material; however, Newby teaches an exterior that is formed from a non-metallic textile (refer to lines 36-42 of column 1). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote, as taught by Taylor, with an exterior that is formed from a non-metallic material, for the purpose providing cost effective production and easy disposal.

With respect to claims 14 and 16, Taylor as modified by Newby teaches the claimed tote; however, no dimension is specifically mentioned. It should be noted that the dimensioning of a product to fit another apparatus would have been obvious, to one having skill in the art at the time the invention was made, since such a modification could readily be determined through experimentation. Further, according to *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) and *Gardner v. TEC Systems, Inc.*, 725 F.2d

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1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232

(1984), when the only difference between the prior art and the claims is a recitation of the relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device (MPEP 2144.04, section IV, part A).

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) as applied to claim 1 above, and further in view of Sirianni (US5413220). Taylor, as modified by Newby, teaches moulded couplings with an inward facing center; however, it fails to teach a hub that is inward facing that engages an interior of a core. Sirianni teaches a hub that is inward facing that engages the interior of a core (refer to lines 1-20 of column 4). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby with inward facing hubs that engage the interior of a core, as taught by Sirianni, for the purpose of providing support for a core.

20. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) and Sirianni (US5413220) as applied to claim 4 above, and further in view of Dong (US3228519). Taylor, as modified by Newby and Sirianni, fails to teach a hub surrounded by a bearing surface that locates the hub in a respective access opening. Dong teaches a hub surrounded by a bearing surface (refer to element 70 of Fig.3) that locates the hub in a respective access opening (refer to lines 1-12 and lines 63-69 of column 3). Therefore, it would have been obvious

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to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby and Sirianni with a hub surrounded by a bearing surface that locates the hub in a respective access opening, as taught by Dong, for the purpose of providing support for a core with respect to a containers access openings.

With respect to claim 6, Taylor, as modified by Newby and Sirianni, fails to teach a bearing surface that makes contact with an inside bottom surface; However, Dong teaches a bearing surface that makes contact with an inside bottom surface (refer to lines 1-12 and lines 63-69 of column 3). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby and Sirianni with a bearing surface that makes contact with an inside bottom surface, as taught by Dong, for the purpose of providing support for a core with respect to a containers access openings.

21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473), Sirianni (US5413220), and Dong (US3228519) as applied to claim 5 and 6 above, and further in view of Lanoue (US5261625). Taylor (as modified by Newby, Sirianni, and Dong) teaches a bearing surface that is circular; however, they fail to teach a bearing surface that is circular and connected to the hub by spokes. Lanoue teaches an end plate/coupling that has a bearing surface that is circular and connected to the hub by spokes (refer to element 58 of Fig. 7). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby, Sirianni,

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and Dong with an end plate/coupling that has a bearing surface that is circular and connected to the hub by spokes, as taught by Lanoue, for the purpose of providing support for a core while also cutting cost as a result of having to use less material in the make of spokes as opposed to a complete surface/disc/moulding.

22. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) and Sirianni (US5413220) as applied to claim 4 above, and further in view of Dong (US3228579). Taylor (as modified by Newby and Sirianni) fails to teach at least one hub that has an axial coupling feature that could be used for engagement of a rotating winding spindle. Dong (US3228579) teaches at least one hub that has an axial coupling feature that could be used for engagement of a rotating winding spindle (refer to element 24' of Fig. 10 and lines 42-56 of column 4). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby and Sirianni with at least one hub that has an axial coupling feature that could be used for engagement of a rotating winding spindle, as taught by Dong (US3228579), for the purpose of providing unwinding or winding capabilities with respect to a sheet material.

With respect to claim 9, Taylor (as modified by Newby and Sirianni) fails to teach a coupling that is comprised of a ring of teeth. Dong (US3228579) teaches a coupling that is comprised of a ring of teeth (refer elements 90 and 92 of Fig. 10 and lines 42-56 of column 4). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby

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and Sirianni with a coupling that is comprised of a ring of teeth, as taught by Dong (US3228579), for the purpose of providing secure unwinding or winding capabilities with respect to a sheet material.

23. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) as applied to claim 1 above, and further in view of English abstract disclosure in Jamet (EP0826618). Taylor, as modified by Newby, fails to teach a handle which folds flat against the sides that form the exterior. Jamet teaches a handle which folds flat against the sides that form the exterior (refer to element 11 of Fig. 1). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby with a handle which folds flat against the sides that form the exterior, as taught by Jamet, for the purpose of providing security against opening/separation of a tote/box/container.

With respect to claim 11, Taylor, as modified by Newby, fails to teach a handle formed by two similar sub-units that come to a cooperating position to form a grip. Jamet (EP0826618) teaches a handle formed by two similar sub-units that come to a cooperating position to form a grip (refer to English abstract and element 11 of Fig. 1). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby with a handle formed by two similar sub-units that come to a cooperating position to form a

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grip, as taught by Jamet, for the purpose of providing security against opening/separation of a tote/box/container.

24. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) as applied to claim 1 above, and further in view of Taylor (US274831). Taylor, as modified by Newby, fails to teach an exterior viewing window. Taylor (US274831) teaches an exterior viewing window for a dispenser (refer to element 11 of Fig. 1 and lines 1-10 of column 2). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify the consumer tote of Taylor in view of Newby with an exterior viewing window, as taught by Taylor (US274831), for the purpose of providing a portal for view of the enclosed product.

25. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US5593035) in view of Newby (US6612473) as applied to claim 2 above, and further in view of Marcoux (US4582234). Taylor, as modified by Newby, fails to teach an adjacent edge that includes a return lip. Marcoux teaches an adjacent edge that includes a fold which forms a lip (refer to element 8 of Fig. 2). Though Marcoux is a dispensing carton, it would have been obvious to one having skill in the art at the time the invention was made to adapt the dispensing carton to modify the consumer tote of Taylor in view of Newby to include an adjacent edge that includes a return lip, as taught by Marcoux, for the purpose of providing a smooth edge surface for winding or unwinding purposes.

With respect to claim 18, Taylor, as modified by Newby, fails to teach an exterior material that can be folded to form a lip. Marcoux teaches an exterior material that can be folded to form a lip (refer to element 8 of Fig. 2). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to adapt the dispensing carton to modify the consumer tote of Taylor in view of Newby to include an exterior material that can be folded to form a lip, as taught by Marcoux, for the purpose of providing a smooth surface for winding or unwinding purposes.

26. With respect to claims 19-36, 40, and 44-47, no further limitation has been recited for the consumer tote. Rather, the applicant has recited the structure of the environment or the structure of other devices to be utilized with the consumer tote. Therefore, since no further limitation has been made to the consumer tote of the parent claim, the claims (claims 19-36, 40, and 44-47) are rejected along with the parent claim (claim 1).

27. With respect to claims 37-39, 41-43, and 48, these claims hold no patentable weight since the claims are referenced to the method of utilizing the consumer tote – when they should be referenced to an apparatus. Therefore, the claims are rejected with their parent claim (claim 1) because they merely recite a further limitation with respect to the process of using the consumer tote.

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Allowable Subject Matter

28. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

29. The following is a statement of the reasons for the indication of allowable subject matter:

Claim 12 is allowable over the art of record because the prior art does not teach a sub-unit that has an edge which is affixed to the exterior, adjacent to the gap, as set forth in the claimed invention.

Claim 13 is allowable over the art of record because the prior art does not teach a visible marker that is located on the exterior of a consumer tote for indicating the location of the coupling as set forth in the claimed invention.

Pertinent Art Reference

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Appropriate prior art, which is nearest to the subject matter defined in the claims, is listed in the Notice of Reference Cited. These prior art references, such as US3281036, US2548252, US5450949, US5161685, US5711493, US4467974, and EP0327712, are included because they pertain to consumer totes or subject matter/elements pertinent to consumer totes similar to those defined in the claims of the applicant.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Martinez whose telephone number is (571) 272-8349. The examiner can normally be reached on 8:30 am - 5:00 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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